

1 **RESOLUTION**

2 A RESOLUTION declaring the City of Seattle's intent to establish a framework for the  
3 application of transfer of development rights (TDR) and transfer of development  
4 potential (TDP) programs and the criteria for prioritizing the areas where the programs  
apply.

5 WHEREAS, a transfer of development rights (TDR) program was established in Downtown  
6 Seattle in 1985, and this program was expanded to South Downtown in April, 2011 by  
Ordinance 123589; and

7 WHEREAS, a TDR program was established in a portion of the South Lake Union Urban Center  
8 by Ordinance 122611 in December, 2007; and

9 WHEREAS, transfer of development potential (TDP) program was established in the Highrise  
10 zone in the First Hill Urban Center Village in December, 2010 by Ordinance 123495; and

11 WHEREAS, the legislation introduced as Council Bill 117235 establishes a new TDP program in  
12 the Pike/Pine neighborhood to encourage retention of older structures and to conserve the  
neighborhood's unique character as Seattle's original "Auto Row"; and

13 WHEREAS, in addition to creating incentives for affordable housing, the Council and Mayor are  
14 interested in developing and extending incentive programs that provide other public  
15 benefits, such as: creating public open space, protecting rural areas, preserving historic  
16 buildings and neighborhood character, and maintaining and developing spaces for  
cultural and arts organizations; and

17 WHEREAS, the City Council stated its support for developing a new Interlocal Agreement with  
18 King County for a rural transferable development rights program Resolution 31147 that  
was adopted in August, 2009; and

19 WHEREAS, in April, 2011, the Council adopted Resolution 31291 that established a work plan  
20 leading to submitting proposed legislation to the City Council by the first quarter of 2012  
21 to amend the Land Use Code to streamline incentive zoning terminology, clarify and  
22 consolidate incentive zoning requirements, and create a simplified, cohesive set of  
affordable housing incentive programs that are easier to understand and use; and

23 WHEREAS, the Mayor intends to submit a range of area-wide rezones to the Council in the next  
24 several years and the rezone legislation is expected to include incentive zoning  
25 provisions; NOW THEREFORE,  
26  
27  
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**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE  
MAYOR CONCURRING, THAT:**

Section 1. It is the Council's and the Mayor's intent to consider the value of establishing transfer of development rights (TDR) and transfer of development potential (TDP) programs in areas outside of neighborhoods where current TDR and TDP programs apply.

Section 2. Once the legislation the Council requested in Resolution 31291 that clarifies and consolidates incentive zoning requirements is completed, the Department of Planning and Development (DPD) with the support of the Planning Commission and appropriate City departments will submit general policy recommendations to the City Council, with proposed legislation if appropriate, by December, 2012. The recommendations submitted will, at a minimum, address:

A. What public benefits should be priorities for TDR and TDP programs, and whether these public benefits should differ from the benefits expected from other incentive zoning programs;

B. What criteria should be used to determine where TDR and TDP should be allowed;

C. What are the circumstances under which it would be appropriate to expand current TDP and TDR programs to permit transfers of development rights and potential into or out of the areas where these programs now apply;

D. What relationship should there be between TDR or TDP sending and receiving areas;

(1) What areas should be given priority as TDR or TDP "sending areas" from which development rights or potential may be transferred, and what criteria should be used to identify these sending areas;



(2) What areas should be given priority as "receiving areas" for development rights or potential, and what criteria should be used to identify these receiving areas; and

E. Whether it is necessary to distinguish between the transfer of residential and non-residential development rights by establishing two programs with different titles.

Adopted by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2011, and signed by me in open session in authentication of its adoption this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

*THE MAYOR CONCURRING:*

\_\_\_\_\_  
*Michael McGinn, Mayor*

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)



## **FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Legislative	Rebecca Herzfeld/684-8148	Not applicable

### **Legislation Title:**

A RESOLUTION declaring the City of Seattle's intent to establish a framework for the application of transfer of development rights (TDR) and transfer of development potential (TDP) programs and the criteria for prioritizing the areas where the programs apply.

### **Summary of the Legislation:**

This resolution calls for an analysis of TDR and TDP programs and submittal of general policy recommendations to the City Council, with proposed legislation if appropriate, by December 2012.

### **Background:**

During the Council's review of legislation establishing a TDP program in the Pike/Pine neighborhood, questions arose about the application of such programs and the extent to which it would be appropriate to permit transfers of development potential into or out of areas where TDP and TDR programs now apply. The proposed resolution requests an analysis of this issue and other issues related to the effective use of TDP and TDR programs to carry out City objectives.

Please check one of the following:

  X   This legislation does not have any financial implications.

### **Other Implications:**

- a) Does the legislation have indirect financial implications, or long-term implications?  
No.
- b) What is the financial cost of not implementing the legislation? None.
- c) Does this legislation affect any departments besides the originating department?  
The resolution would affect the Department of Planning and Development, the Seattle Planning Commission, and the Office of Housing. It is possible that other departments may be asked to comment on policy recommendations. This work could be accomplished in the work programs of existing staff in the involved departments.
- d) What are the possible alternatives to the legislation that could achieve the same or similar objectives? None.



- e) **Is a public hearing required for this legislation?** No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- g) **Does this legislation affect a piece of property?** No.
- h) **Other Issues:** None.



